

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALONZO ROSS,)
Plaintiff) Civil Action
vs.) No. 2009-cv-05103
MICHAEL J. ASTRUE,)
Commissioner of)
Social Security,)
Defendant)

O R D E R

NOW, this 24th day of February, 2011, upon
consideration of the following documents:

- (1) Decision of Administrative Law Judge William J. Reddy dated May 16, 2008;
- (2) Complaint filed November 17, 2009 (Document 3);
- (3) Answer filed March 10, 2010 (Document 10);
- (4) Plaintiff's Motion for Summary Judgment or, in the Alternative, Plaintiff's Motion for Remand filed April 22, 2010 (Document 12);
- (5) Plaintiff's Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment, which brief and statement of issues was filed April 22, 2010 (Document 12);
- (6) Defendant's Response to Request for Review of Plaintiff, which response was filed May 24, 2010 (Document 13); and
- (7) Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport filed December 8, 2010 (Document 15);

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Rapoport's Report and Recommendation; it further appearing that Magistrate Judge Rapoport's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Rapoport is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is denied.

IT IS FURTHER ORDERED that plaintiff's alternative motion for remand is denied.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is dismissed.¹

IT IS FURTHER ORDERED that judgment is granted in favor of defendant Michael J. Astrue, Commissioner of Social Security and against plaintiff Alonzo Ross.

¹ Pursuant to paragraph 1 of the current Procedural Order for Social Security Review, plaintiff is required to serve a summons and complaint upon defendant; and pursuant to paragraph 3, plaintiff is required to file and serve "Plaintiff's Brief and Statement of Issues in Support of Request for Review", which plaintiff did on April 22, 2010. Accordingly, a motion for summary judgment is no longer a required procedure in an action seeking review of a decision by the Commissioner of Social Security denying plaintiff social security benefits. Therefore, I have dismissed plaintiff's motion for summary judgment.

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER

James Knoll Gardner

United States District Judge